

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WAYMO LLC,

No. C 17-00939 WHA

Plaintiff,

v.

UBER TECHNOLOGIES, INC.;  
OTTOMOTTO LLC; and OTTO  
TRUCKING LLC,

**ORDER RE INADEQUATE  
CRITIQUE OF TENTATIVE  
JURY INSTRUCTION**

Defendants.

With respect to the further tentative jury instruction (Dkt. No. 2078), it is irritating that defense counsel failed to supply any critique, including supporting authority, in its response (Dkt. No. 2169). It is of no help to the Court to simply say that *counsel* approves of tentative jury instructions. What is needed is *authority* to validate said instructions. This gimmick also deprived Waymo of a chance to reply to arguments made for the first time in defendants' counter-critique (Dkt. No. 2180), which Waymo may now do by **NOVEMBER 13 AT NOON**. For the upcoming hearing on November 14 (*see* Dkt. No. 2168), it will **NOT** be sufficient to simply say that a tentative jury instruction or statement by the Court is supported by agreement of counsel. Both sides must come prepared with authorities on point, whether for or against.

**IT IS SO ORDERED.**

Dated: November 8, 2017.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE